

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

Criminal No. 04-260 (1) (RHK/AJB)

Civil No. 06-315 (RHK)

ORDER

vs.

Anthony Donnelle Brown,
a/k/a Ed Brown,

Defendant.

In his Section 2255 Motion, Defendant contends that he received ineffective assistance of counsel. He was convicted by a jury of being a felon in possession of a firearm and sentenced to 100 months in prison. The conviction and sentence were affirmed on appeal. United States v. Brown, 422 F.3d 689 (8th Cir. 2005).

Defendant asserts that his counsel used “canned” cross-examination of one of the government witnesses and failed to call another witness to testify. He further claims that counsel was ineffective for stipulating that the firearm at issue had traveled in interstate commerce. These issues can be summarily disposed of. The Court has reviewed the trial transcript and determined that defense counsel’s cross-examination was thorough and vigorous. The suggestion that the failure to call another witness demonstrates ineffective assistance of counsel is likewise without merit and there has been no demonstration that even if that witness has been called, and the testimony received, that the jury’s verdict would have been different.

The argument regarding the so-called stipulation of the firearm traveling in interstate commerce is simply wrong. There was not such stipulation.

The Motion (Doc. No. 55) is **DENIED**.

Dated: April 19, 2006

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge